

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, NOVEMBER 7, 2011 AT 4:30 P.M.

The White County Board of Commissioners held a Regular Meeting on Monday, November 7, 2011 at 4:30 p.m. in the Grand Jury Room of the White County Courthouse. Present at the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Carol Jackson, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Dr. John Yarbrough – Pastor of Mt Yonah Baptist Church – provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to adopt the minutes of the Regular Meeting held September 26, 2011, the Called Meeting held October 14, 2011, and the Called Meeting held October 28, 2011.

Upon presentation of proclamation to the White County Chamber of Commerce Agricultural Committee – November 18-24, 2011 was declared Farm-City Week in White County.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger the following consent agenda was approved:

- Adoption of the White County Bicycle and Pedestrian Plan as an appendix for the White County Comprehensive Plan (County Resolution Number 2011-32) ;
- Acceptance of the Emergency Management Performance Grant in order to authorize the Chairman to execute final award documents for two (2) grants received: \$25,000.00 for radio system project and \$1,500.00 for mandated training programs; thereby authorizing budgeted 911/EMA funds to be used for the 50% match requirements and for necessary budget adjustments to be made within the 911/EMA Grant Fund;
- Approval of purchase from Mobile Communications of Hall for radio equipment for narrowband communication system upgrades to be purchased at state contract price (\$31,965.40) with budgeted 911 Capital Expenditure Funds;
- Approval of an annual maintenance contract in the amount of \$11,820.00 with Gunby Communications for the TCI enhanced 911 System with costs to be paid from the E911 budget;
- Appointment of Commissioner Lyn Holcomb to the White County Board of Health as the Chairman's designee;

- Approval of the White County Fire Department’s purchase of a Ford F-250 from Jacky Jones Ford at state contract price in the amount of \$29,453.10 – with cost of the purchase to be paid from the Fire Fund (including a \$10,426.00 insurance settlement).

-End of Consent Agenda-

Commissioner Bryant asked that the consideration of appointment to the AVITA Community Partners Board (needed to fulfill the remainder of a three year term to expire June 30, 2012) be delayed to the December Regular Meeting.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt the resolution (date only revised from October 28, 2011 Called Meeting) being County Resolution No. 2011-33 issuing the call for the 2014 SPLOST vote pursuant to the 2014 SPLOST Intergovernmental Agreement which has been approved by the City of Cleveland and the City of Helen.

RESOLVED: NOVEMBER 7, 2011

RESOLUTION NO. 2011-33

Resolution Calling for an Election to Continue the White County Special Purpose Local Option Sales Tax (SPLOST)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHITECOUNTY, GEORGIA CONTINUING THE IMPOSITION OF A COUNTY ONE PERCENT SALES AND USE TAX AS AUTHORIZED BY PART 1 OF ARTICLE 3 OF CHAPTER 8 OF TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, SUBJECT TO REFERENDUM APPROVAL AND OTHER REQUIREMENTS OF THE ACT, SPECIFYING THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAX ARE TO BE USED; SPECIFYING THE PERIOD OF TIME FOR WHICH SUCH TAX SHALL BE IMPOSED;SPECIFYING THE ESTIMATED COST OF THE PROJECTS TO BE FUNDED FROM THE PROCEEDS OF SUCH TAX; REQUESTING THE ELECTION SUPERINTENDENT TO CALL AN ELECTION OF THE VOTERS OF WHITE COUNTY TO APPROVE THE IMPOSITION OF SUCH SALES AND USE TAX; APPROVING THE FORM OF BALLOT TO BE USED IN SUCH AN ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the “Act”) subject to referendum approval by the voters, authorizes the imposition of a county one percent sales and use tax (the “SPLOST”) for the purpose, *inter alia*, of financing certain capital outlay projects which include those set forth herein, pursuant to O.C.G.A. § 48-8-111, et seq.; and

WHEREAS, the Board of Commissioners of White County, Georgia (the “Board of Commissioners”) has determined that it is in the best interest of the citizens of White County, Georgia (the “County”) that a one percent SPLOST be imposed in a special district within the County to raise approximately \$19,000,000 for the purpose of funding capital outlay projects (the “Projects”) as herein provided for, all in accordance with the Act; and

WHEREAS, the Board of Commissioners delivered a ten (10) day prior written notice (the “Notice”) to the Mayor in each municipality located within the County regarding the continuation of the SPLOST; and

WHEREAS, the Notice contained the date, time, place, and purpose of a meeting at which designated representatives of the County and the City of Cleveland and the City of Helen (“the Municipalities”) met and discussed the possible projects for inclusion in the referendum, including municipally owned and operated projects; and

WHEREAS, the Notice was delivered or mailed at least 10 days prior to the date of the meeting, and the meeting was held at least 30 days prior to the issuance of a call for the referendum; and

WHEREAS, the County has entered into an intergovernmental agreement with the Municipalities that are party to the Agreement being the City of Cleveland and the City of Helen (collectively the “Municipalities”), pursuant to the requirements of O.C.G.A. § 48-8-111(a)(1)(D); and

WHEREAS, the Municipalities represent approximately fourteen percent (14.44%) of the total population of the County; and

WHEREAS, the Board of Commissioners of White County, Georgia has determined that it is in the best interests of the citizens of the County that a one percent sales and use tax be imposed in the County for the purpose in the implementation, acquisition, construction and installation of certain capital outlay projects as described upon the table herein (collectively the “Capital Outlay Projects”); and

WHEREAS, O.C.G.A. § 48-8-111(a)(1)(D) authorizes capital outlay projects owned and operated or both by the County, one or more municipalities, or any combination thereof, with respect to which the County has, prior to the call of the election, entered into a contract, as authorized by Article IX, Section III of the Georgia Constitution, with the Municipalities of the County;

WHEREAS, THE IMPOSITION OF THE SPLOST must be approved by the qualified voters of White County in a referendum which the Board of Commissioners desires to be held as a special election on the date of the 2012 Presidential Preference Primary being March 6, 2012 as designated by the Secretary of State, as provided in Section 21-2-540 of the Official Code of Georgia Annotated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County, Georgia as follows:

(A) Imposition of the SPLOST. Assuming the question of imposing a County SPLOST is approved by the voters of the special district in the election hereinafter referred to, in order to finance the Capital Outlay Projects which will be for the use of and benefit of the citizens of White County, and the citizens of the Cities of Cleveland and Helen, the SPLOST shall be imposed for a 72 month term, purposes and costs as follows:

1. In order to finance the Projects described hereinbelow, a SPLOST in the amount of one percent (1%) on all sales and uses in the County is hereby authorized to be levied and collected within the special district created in the County as provided in the Act, and with the Projects being as follows:

PROJECT	COUNTY/ MUNICIPALITY	ESTIMATED COST
WHITE COUNTY (74% OF THE SPLOST PROCEEDS)		
To provide funds to make the Installment Sale Agreement Payments under the Intergovernmental Installment Sale Agreement, dated as of April 1, 2010, under which White County is purchasing the new White County Detention Center	WHITE COUNTY	\$6,800,000
Administration Equipment, Facilities and Vehicles	WHITE COUNTY	\$1,000,000
Historical Facilities Renovations/Additions	WHITE COUNTY	\$100,000
Economic Development Authority Equipment, Facilities and Vehicles	WHITE COUNTY	\$50,000
E911 Communication System Infrastructure and Upgrades	WHITE COUNTY	\$260,000
Fire-EMS Equipment, Facilities and Vehicles	WHITE COUNTY	\$25,000
Library Facilities, Equipment and Materials	WHITE COUNTY	\$100,000
The Acquisition and/or Improvement of Computer and Communications Information Technology Equipment and System Infrastructure and Upgrades	WHITE COUNTY	\$175,000
Roads, Street, and Bridges Equipment, Vehicles, Resurfacing, Repairs, and Improvements	WHITE COUNTY	\$5,500,000
Parks and Recreation Equipment, Facilities, and	WHITE COUNTY	\$25,000

Vehicles		
Senior Center Facilities and Vehicles	WHITE COUNTY	\$100,000
Sheriff's Department Equipment, Facilities and Vehicles	WHITE COUNTY	\$200,000
Solid Waste Facilities	WHITE COUNTY	\$25,000
TOTAL ESTIMATE OF WHITE COUNTY SPLOST PROJECTS	WHITE COUNTY	\$14,060,000
CITY OF CLEVELAND (13% OF THE SPLOST PROCEEDS)		
Water/Wastewater Improvements Including Equipment and Vehicles	CITY OF CLEVELAND	\$1,033,600
Acquisition and/or Capital Improvement of, Public Buildings, Public Infrastructure, Parks and Public Recreation Areas Including: Administrative, Cultural, Recreational, and Public Safety Facilities and Vehicles	CITY OF CLEVELAND	\$236,400
Roads, Street Bridges and Sidewalk Projects; including Equipment and Vehicles, Resurfacing and Repairs	CITY OF CLEVELAND	\$750,000
Cultural and Recreation Equipment, Facilities and Vehicles Parks and Public Recreation Areas	CITY OF CLEVELAND	\$450,000
TOTAL ESTIMATE OF CITY OF CLEVELAND	CITY OF CLEVELAND	\$2,470,000

CITY OF HELEN (13% OF THE SPLOST PROCEEDS)		
Water/Wastewater Improvements Including Equipment and Vehicles	CITY OF HELEN	\$1,170,000
Roads, Street, Bridges, and Sidewalk Projects, including Equipment and Vehicles, Resurfacing and Repairs	CITY OF HELEN	\$975,000

Acquisition and/or Capital Improvement of Public Buildings, Public Infrastructure, Parks and Public Recreation Areas Including: Administrative, Cultural, Recreational, and Public Safety Facilities and Vehicles	CITY OF HELEN	\$225,000
The Acquisition and/or Improvement of Computer and Communications Information Equipment and System Infrastructure and Upgrades	CITY OF HELEN	\$100,000
TOTAL ESTIMATE OF CITY OF HELEN PROJECTS	CITY OF HELEN	\$2,470,000

2. Distribution of Proceeds: The Projects of the Municipalities shall have equal priority with the Projects of the County, and the SPLOST proceeds shall be disbursed to the County and the Municipalities based upon a pro rata allocation of SPLOST funds received from the State of Georgia on a monthly basis in accordance with percentages set forth in the table herein above. The pro rata percentages shall control over the estimated cost in the event of a conflict. Each municipality may choose the order of its Projects and the priority of its Projects, and the County may choose the order of its Projects and the priority of its Projects so long as it makes the Installment Sale Agreement Payments under the Intergovernmental Installment Sale Agreement, dated April 1, 2010.

3. The SPLOST is to be imposed for a period of (twenty-four [24] consecutive calendar quarters) six (6) years, commencing October 1, 2014, following the expiration of the special purpose local option sales tax presently in effect (and being the first day of the calendar quarter following the calendar quarter in which the special sales and use tax authorized by the Act presently in effect expires).

(B) Call for the Election; Ballot Form; Notice.

1. The Election Superintendent of White County is hereby requested to call an election in all voting precincts in the County on the date of the 2012 Presidential Preference Primary as designated by the Georgia Secretary of State, being March 6, 2012, for the purpose of submitting to the qualified voters of the County the question of the imposition of the tax described in this Resolution for the purposes described in this Resolution and as set forth in paragraph 2 below.

2. The ballots to be used in the election shall have written or printed thereon substantially the following:

- YES** “Shall a special one percent (1%) sales and use tax be imposed in the special district
- NO** of White County for a period of time not to exceed Six (6) Years and for the raising of an estimated amount of \$ 19,000,000 for the purpose of:

(1) providing funds to make the Installment Sale Agreement Payments under the Intergovernmental Installment Sale Agreement, dated as of April 1, 2010, under which White County is purchasing the new White County Detention Center; administration facilities projects, including equipment and vehicles; historical facilities renovations/additions; economic development authority facilities projects, including equipment and vehicles; E911 communication system infrastructure and upgrades; fire/EMS facilities, vehicles, and equipment; library facilities, equipment, and materials; the acquisition and/or improvement of computer and communications information technology equipment and system infrastructure and upgrades; roads, street, and bridge projects, including resurfacing, equipment, vehicles, repairs, and improvements; park and recreation facilities, equipment and vehicles; senior citizen facilities and vehicles; sheriff's department facilities, equipment, and vehicles; solid waste facilities for **White County**; and

(2) funding water and wastewater improvements including equipment and vehicles; acquisition and/or capital improvement of public buildings, public infrastructure, parks and public recreation areas including: administrative, cultural, recreational and public safety facilities and vehicles; roads, street, bridges and sidewalk projects including equipment and vehicles, resurfacing and repairs; cultural and recreation facilities, equipment and vehicles, parks and public recreation areas for the **City of Cleveland**; and,

(3) funding water and wastewater improvements including equipment and vehicles; roads, street, bridges, and sidewalk projects, including equipment, vehicles, resurfacing and repairs; acquisition and/or capital improvement of public buildings, public infrastructure, parks and public recreation areas including: administrative, cultural, recreational, and public safety facilities and vehicles; acquisition and/or improvement of computer and communications information equipment and system infrastructure and upgrades for the **City of Helen**.

3. It is hereby requested that the election be held by the Election Superintendent of White County in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Election Superintendent of White County canvass the returns and declare the result of the election and certify the result to the Secretary of State and to the Commissioner of Revenue.

4. The Election Superintendent of White County is hereby authorized and requested to publish a notice of the election as required by law in the newspaper in which Sheriff's advertisements for the County are published once a week for four weeks immediately preceding the date of the election. The notice of the election shall be in substantially the form attached hereto as Exhibit "A".

(C) The Clerk of the Board of Commissioners is hereby authorized and directed to deliver

a copy of the resolution to the Election Superintendent of White County, with a request that the Election Superintendent of White County issue the call for an election at least ninety (90) days prior to the election.

(D)The proper officers and agents of the County are hereby authorized to take any and all further actions as may be required in connection with the imposition of SPLOST and the implementation, acquisition, construction and installation of the County Projects.

(E)The Resolution shall take effect immediately upon its adoption.

This 7th day of November, 2011.

**BOARD OF COMMISSIONERS
OF WHITE COUNTY**

BY: S/TRAVIS C. TURNER
CHAIR

BY: S/TERRY D. GOODGER
COMMISSIONER

BY: S/LYN HOLCOMB
COMMISSIONER

BY: S/EDWIN NIX
COMMISSIONER

BY: S/CRAIG BRYANT
COMMISSIONER

(SEAL)
ATTEST:

s/Shanda Smallwood
Shanda Smallwood, County Clerk

Date Adopted November 7, 2011

EXHIBIT “A”

**NOTICE OF ELECTION TO AUTHORIZE THE CONTINUATION
OF SALES AND USE TAX**

TO THE QUALIFIED VOTERS OF WHITE COUNTY, GEORGIA

NOTICE IS HEREBY GIVEN that on the day of the Presidential Preference Primary in 2012as designated by the Georgia Secretary of State, being March 6, 2012, an election will be held at the regular polling places in all the election districts of White County, Georgia (“the County”), at which time there will be submitted to the qualified voters of the county for their determination the question of whether a one percent county special purpose local option sales and use tax (the “SPLOST”) shall be imposed on all sales and uses in the special district created in the County for a period of Six (6) consecutive years for the raising of approximately \$19,000,000 for the purpose of funding capital outlay projects (“the Projects”) specified in the form of the ballot set forth below.

Distribution of Proceeds: White County, the City of Cleveland and the City of Helen shall receive a pro rata allocation of SPLOST funds received from the State of Georgia on a monthly basis in accordance with the intergovernmental agreement among White County, the City of Cleveland, and the City of Helen. The order and priority of projects shall be determined in accordance with said intergovernmental agreement.

The ballots to be used in said election shall have written or printed thereon the following:

- YES** “Shall a special one percent (1%) sales and use tax be imposed in the special district
 NO of White County for a period of time not to exceed Six (6) Years and for the raising of an estimated amount of \$ 19,000,000 for the purpose of:

(1) providing funds to make the Installment Sale Agreement Payments under the Intergovernmental Installment Sale Agreement, dated as of April 1, 2010, under which White County is purchasing the new White County Detention Center; administration facilities projects, including equipment and vehicles; historical facilities renovations/additions; economic development authority facilities projects, including equipment and vehicles; E911 communication system infrastructure and upgrades; fire/EMS facilities, vehicles, and equipment; library facilities, equipment, and materials; the acquisition and/or improvement of computer and communications information technology equipment and system infrastructure and upgrades; roads, street, and bridge projects, including resurfacing, equipment, vehicles, repairs, and improvements; park and recreation facilities, equipment and vehicles; senior citizen facilities and vehicles; sheriff’s

department facilities, equipment, and vehicles; solid waste facilities for **White County**; and

(2) funding water and wastewater improvements including equipment and vehicles; acquisition and/or capital improvement of public buildings, public infrastructure, parks and public recreation areas including: administrative, cultural, recreational and public safety facilities and vehicles; roads, street, bridges and sidewalk projects including equipment and vehicles, resurfacing and repairs; cultural and recreation equipment, facilities and vehicles and parks and public recreation areas for the **City of Cleveland**; and,

(3) funding water and wastewater improvements including equipment and vehicles; roads, street, bridges, and sidewalk projects, including equipment, vehicles, resurfacing and repairs; acquisition and/or capital improvement of public buildings, public infrastructure, parks and public recreation areas including: administrative, cultural, recreational, and public safety facilities and vehicles; acquisition and/or improvement of computer and communications information equipment and system infrastructure and upgrades for the **City of Helen**.

Voters desiring to vote *for* the imposition of said SPLOST for the purposes set forth above shall do so by voting “*Yes*”, and voters desiring to vote *against* the imposition of said SPLOST for such purposes shall do so by voting “*No*” as to the question set out within the form of the ballot set out herein above. If more than one-half (1/2) of the votes cast on such question are in favor of levying such tax, then such tax shall be levied in accordance with the provisions of O.C.G.A. § 48-8-110, et seq.

The several places for holding the election shall be in the regular and established precincts of the County, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election being March 6, 2012. Those qualified to vote at the election shall be determined in all respects in accordance and in conformity with the Constitution and statutes of the United States of America and of the State of Georgia.

The last date to register to vote in this election is _____, through 5:00 p.m.

Those residents of White County qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This Notice is given pursuant to joint action of the Board of Commissioners of White County and the Superintendent of Election of White County.

WHITE COUNTY, GEORGIA

By: s/Travis C. Turner
Chairman, Board of Commissioners

**SUPERINTENDENT OF ELECTIONS
OF WHITE COUNTY**

By: _____

-End of County Resolution 2011-33-

Commissioner Goodger stated that he and Commissioner Holcomb had met with Mr. Andy Slack, Landscape Architect, regarding the conceptual design of a park area to be located in the parking area behind the Courthouse. Commissioner Goodger stated that Mr. Slack would have a few options regarding the design to present to the Board of Commissioners at the November Work Session. Commissioner Holcomb asked to recognize Commissioner Goodger for his work so far on this project. Chairman Turner reemphasized that the project would be funded with Lodging Tax Revenue as a Tourism Product Development Project.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to award the bid for Certificate of Deposit (maturity date October 28, 2011 in the amount of \$167,430.00) to Community Bank & Trust for a twelve month term at .35% interest based on the bid received.

Chairman Turner asked that staff research other possible options for the investment of idle funds in the future which could possibly bring a higher interest rate – while he acknowledged that due to the current economic times that interest rates were extremely low across the board.

Ms. Carol Jackson presented the Monthly Financial Status Report for September 2011 (see attached report).

Chairman Turner opened the floor for citizen participation.

Judy Walker, President of the White County Chamber of Commerce, asked the Board of Commissioners if the information submitted in the quarterly lodging tax expenditure report was sufficient. The Board stated they would review the information and advise her if anything further was needed. Ms. Walker also reported that at the Board of Commissioners request the Chamber

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had opened on Saturdays in August, September, and October from 10 a.m. to 1 p.m. She reported that during the three month period the Chamber had received 22 calls and 18 visitors. She noted that due to the lack of business the Saturday hours were being discontinued, however the Chamber would resume with having detailed information regarding area events on the Chamber's voicemail during the weekends. The Board stated that they were appreciative for the trial period and the information presented.

Following announcements and upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to adjourn the meeting.

The minutes of the November 7, 2011 Regular Meeting are hereby approved as stated this 5th day of December, 2011.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

s/Terry D. Goodger

Terry D. Goodger, District 1

s/Lyn Holcomb

Lyn Holcomb, District 2

s/Edwin Nix

Edwin Nix, District 3

s/Craig Bryant

Craig Bryant, District 4

s/Shanda Smallwood

Shanda Smallwood, County Clerk